

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 TABATHA FRERKS, et al.,

9 Plaintiffs,

10 v.

11 TODD P. WOLF, et al.,

12 Defendants.

CASE NO. C19-978RSM

MINUTE ORDER

13
14 The following MINUTE ORDER is made by direction of the Court, the Honorable
15 Ricardo S. Martinez, Chief United States District Judge:

16 On August 29, 2019, Plaintiffs¹ filed an “Ex Parte Motion in Support of Request for
17 Injunction, Writ, Partial Summary Judgments and All Other Relief.” Dkt. #18. Relying on their
18 Complaint and attached exhibits, Plaintiffs’ Motion variously references default judgment,
19 summary judgment, injunctive relief, and indicates that “all above relief shall maintain all
20

21 ¹ Plaintiffs’ filing purports to be electronically signed by both Plaintiffs. Dkt. #18 at 6. However,
22 only Plaintiff Tabatha Frerks has registered to electronically file in this action. Dkt. #9. Plaintiff
23 Charles Frerks has not registered to participate electronically and therefore may not electronically
24 sign documents filed herein. *See* U.S. District Court, Western District of Washington Electronic
Filing Procedures for Civil and Criminal Cases, Section III.L (p. 9–10) (“If a pro se party files a
paper document, or submits a document for filing via e-mail, the document must contain a
physical signature.”). To the extent Plaintiffs’ Motion purports to be filed on behalf of both
Plaintiffs, it is improper.

1 Plaintiffs additional causes of action.” *Id.* Plaintiffs have noted their Motion for consideration
2 on the same day it was filed, August 29, 2019. *Id.*

3 Putting aside any substantive deficiencies, Plaintiffs’ Motion suffers from several
4 procedural deficiencies that render it improper. Plaintiffs do not include a proposed order,
5 compounding the Court’s trouble determining the intent of the Motion. *See* LCR 7(b)(1) (moving
6 party “shall file the motion and proposed order with the clerk”). To the extent Plaintiffs’ Motion
7 seeks default judgment, it is premature, as default has not been entered as to any defendant. *See*
8 LCR 55(b)(1) (“[n]o motion for judgment by default should be filed against any party unless the
9 court has previously” entered default); *see also* Dkt. #19 (defendants noting other procedural
10 deficiencies if Plaintiffs’ Motion is considered a motion for default or for default judgment). To
11 the extent Plaintiffs’ Motion seeks preliminary injunctive relief or summary judgment, it was
12 improperly noted for consideration on the same day it was filed. *See* LCR 7(d)(3) (“motions for
13 summary judgment [and] motions seeking a preliminary injunction . . . shall be noted for
14 consideration on a date no earlier than the fourth Friday after filing and service of the motion”).

15 Accordingly, the Court STRIKES Plaintiffs’ Ex Parte Motion in Support of Request for
16 Injunction, Writ, Partial Summary Judgments and All Other Relief (Dkt. #18) as procedurally
17 improper. The Clerk shall mail a copy of this minute order to Plaintiff Charles Frerks at his last
18 known address.

19 Dated this 3 day of September, 2019.

20
21 WILLIAM McCOOL, Clerk

22 By: /s/ Paula McNabb
23 Deputy Clerk
24